


on a total offense level of 36 and a criminal history category of III. See Resentencing Report. Spence requests a sentence “at the low-end of the revised guideline imprisonment range.” See [D.E. 122].

The court has discretion to reduce Spence’s sentence. See, e.g., Dillon v. United States, 560 U.S. 817, 827 (2010); United States v. Peters, No. 15-7442, 2016 WL 7187326, at *1 (4th Cir. Dec. 12, 2016); United States v. Patterson, No. 16-6867, 2016 WL 6958628, at *1 (4th Cir. Nov. 29, 2016) (per curiam) (unpublished); United States v. Cole, 618 F. App’x 178, 178–79 (4th Cir. 2015) (per curiam) (unpublished); United States v. Thomas, 546 F. App’x 225, 225–26 (4th Cir. 2013) (per curiam) (unpublished); United States v. Perez, 536 F. App’x 321, 321 (4th Cir. 2013) (per curiam) (unpublished); United States v. Smalls, 720 F.3d 193, 195–97 (4th Cir. 2013); United States v. Mann, 709 F.3d 301, 306–07 (4th Cir. 2013); United States v. Stewart, 595 F.3d 197, 200 (4th Cir. 2010). In deciding whether to reduce Spence’s sentence, the court finds that Spence engaged in serious criminal behavior over a long period of time involving a large quantity of cocaine and cocaine base (crack). See Sentencing Tr. 6–26; PSR ¶¶ 10–12. Moreover, Spence is a recidivist drug dealer, has performed poorly on supervision, and has little work history. See PSR ¶¶ 15, 19, 41–43. Finally, Spence received a disciplinary infraction while incarcerated on his federal sentence, but has taken some positive steps while incarcerated. See Resentencing Report 1–2.

Having reviewed the entire record and all relevant policy statements, the court finds that Spence received the sentence that was “sufficient, but not greater than necessary” under 18 U.S.C. § 3553(a). Further reducing Spence’s sentence would threaten public safety in light of his serious criminal conduct and serious criminal history. Cf. U.S.S.G. § 1B1.10, cmt. n.1(B)(ii). Thus, the court denies Spence’s motion for reduction of sentence. See, e.g., Patterson, 2016 WL 6958628, at *1–2; Cole, 618 F. App’x at 178–79; Thomas, 546 F. App’x at 225–26; Perez, 536 F. App’x at 321.

In sum, the court DENIES Spence's motion for reduction of sentence [D.E. 122].

SO ORDERED. This 19 day of December 2016.



JAMES C. DEVER III
Chief United States District Judge